

ORDINANCE NO. 5407

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING CHAPTER 9 OF THE FREMONT MUNICIPAL CODE REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICTS THEREWITH; PROVIDING A SEVERABILITY AND SAVING CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Fremont, Nebraska, seeks to promote the general health, safety, morals, and welfare of the community; and

WHEREAS, the general health, safety, morals and welfare will be best served by updating certain codes heretofore adopted by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, AS FOLLOWS:

SECTION 1. MUNICIPAL CODE AMENDMENT. That Fremont Municipal Code (FMC) Chapter 9 Building and Property Maintenance Regulations is hereby amended as follows:

Amend Article 1, § 9-101, by amending the edition of the NFPA 70: National Electric Code (NEC) being adopted with amendments and revisions as follows:

NFPA 70: National Electrical Code (NEC) – 2017 Edition: All Chapters.

Amend Article 2, § 9-202, by adding a local amendment which amends Section [A]105.2, requiring approved plan review from the Nebraska State Fire Marshall's office to be submitted along with an application for permit, as follows:

Section [A]105.3 Application for permit; amend to read as follows:

[A] 105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. Be accompanied by approved plan review from the Nebraska State Fire Marshall's office.
6. State the valuation of the proposed work.

7. Be signed by the applicant, or the applicant's authorized agent.

8. Give such other data and information as required by the building official.

Amend Article 4, § 9-402.N., to read as follows:

Section R311.3.2 Floor elevations for other exterior doors; amend to read as follows:

R311.3.2 Floor elevations for other exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than 7 3/4 inches (196 mm) below the top of the finished floor.

Exception: A landing is not required where a stairway of four or fewer risers is located on the exterior side of the door, provided the door does not swing over the stairway.

Amend Article 4, § 9-402, by adding a local amendment, to redefine the term "Swimming Pool" to not only include structures that contain water more than 24 inches deep but also the capacity to contain water more than 24 inches deep, as follows:

Section AG102.1 General. Amend the definition of SWIMMING POOL as follows:

SWIMMING POOL. Any structure intended for swimming or recreational bathing that has the capacity to hold more than 24 inches (610 mm) of water. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Amend Article 4, § 9-402, by adding a local amendment, which increases the pool barrier height from 48 inches to 72 inches, as follows:

Section AG105.2 Outdoor swimming pool. Amend subsection 1 to read as follows:

The top of the barrier shall be at least 72 inches (1828.8 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

Amend Article 5, § 9-501, by amending the edition of NFPA 70: National Electric Code being adopted as follows:

NFPA 70: National Electrical Code, 2017 edition, as recommended by the National Fire Protection Agency (NFPA), and herein adopted by the City of Fremont is hereby amended to include the following local amendments.

Amend Article 8, § 9-802, by adding a local amendment, which replaces Table 422.1 applicable to fixture counts, as follows:

TABLE 422.1
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a
(See Section 422.0 et seq.)

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN ^{a, f} (SEE SECTION 410.1)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Assembly	A-1 ^d	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200		-	1 per 500	1 service sink
		A-2 ^d	Nightclubs, bars, taverns, dance halls and buildings for similar purposes	1 per 40	1 per 40	1 per 75		-	1 per 500	1 service sink
			Restaurants, banquet halls and food courts	1 per 75	1 per 75	1 per 200		-	1 per 500	1 service sink
		A-3 ^d	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per 125	1 per 65	1 per 200		-	1 per 500	1 service sink
			Passenger terminals and transportation facilities	1 per 500	1 per 500	1 per 750		-	1 per 1,000	1 service sink
			Places of worship and other religious services	1 per 150	1 per 75	1 per 200		-	1 per 1,000	1 service sink
		A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520	1 per 200	1 per 150	-	1 per 1,000	1 service sink
			A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520	1 per 200	1 per 150	-	1 per 1,000
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		-	1 per 100	1 service sink ^g

3	Education	E	Educational facilities	1 per 50	1 per 50	-	1 per 100	1 service sink
4	Factory and industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100	1 per 100	(see Section 411)	1 per 400	1 service sink
5	Institutional	I-1	Residential care	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		I-2	Hospitals, ambulatory nursing home care recipient	1 per room ^c	1 per room ^c	1 per 15	1 per 100	1 service sink
			Employees, other than residential care ^b	1 per 25	1 per 35	-	1 per 100	-
			Visitors, other than residential care	1 per 75	1 per 100	-	1 per 500	-
		I-3	Prisons ^b	1 per cell	1 per cell	1 per 15	1 per 100	1 service sink
			Reformatories, detention centers, and correctional centers	1 per 15	1 per 15	1 per 15	1 per 100	1 service sink
			Employees	1 per 25	1 per 35	-	1 per 100	
		I-4	Adult day care and child day care	1 per 15	1 per 15	1	1 per 100	1 service sink
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	-	1 per 1,000	1 service sink ^d
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit	1 per sleeping unit	1 per sleeping unit	-	1 service sink
		R-2	Dormitories, fraternities, sororities and boarding houses (non-transient)	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		R-2	Apartment house	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
		R-3	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		R-3	One- and two-family dwellings	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit
		R-4	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink

8	Storage	S-1 S-2	Structures for the storage of goods, warehouses, store house and freight depots. Low and Moderate Hazard.	1 per 100	1 per 100	See Section 411	1 per 1,000	1 service sink
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a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the International Building Code.

b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.

c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.

d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

e. The minimum number of required drinking fountains shall comply with Table 403.1 and Chapter 11 of the International Building Code.

f. Drinking fountains are not required for an occupant load of 15 or fewer.

g. For business and mercantile occupancies with an occupant load of 15 or fewer, service sinks shall not be required.

Amend Article 12, § 9-1202.G., to provide a grace period, as follows:

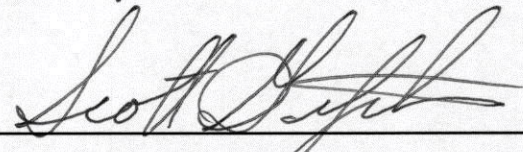
Expiration. Registration shall expire annually on the anniversary date of the date of issuance. A renewal application must be received by the offices of the code official, along with a renewal fee, no less than 90 days after the expiration date in order to avoid work stoppages. Any work performed on an expired registration is considered to be work performed without a registration and is subject to the same penalties as described herein.

SECTION 2. REPEALER. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY. That if any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

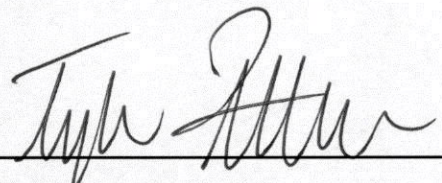
SECTION 4. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS THE 25 DAY OF July, 2017.



Scott Getzschman, Mayor

ATTEST:



Tyler Ficken, City Clerk

